

TOWN OF MISHICOT MONTHLY MEETING MINUTES  
MONDAY, JULY 1, 2024, 7:00 P.M.  
MISHICOT TOWN HALL  
710 NORTH STATE STREET

CALL TO ORDER

Chairman Stefaniak called the meeting to order at 7:00 p.m. Present were Robert DesJarlais, Dean Anhalt, Tammy Thielbar, Jeff Chalupny and Connie Tesarik.

GUESTS

Nick Carviou, Kirt Carviou, Jim Reif, Holly Osborne, Jackson Osborne, Malcolm Peroutka, Pat Shebesta, Jerome Wotachek

PLEDGE OF ALLEGIANCE

Chairman Stefaniak led the board in the Pledge of Allegiance.

APPROVE MINUTES OF THE JUNE 3, 2024, BOARD MEETING AND JUNE 3 BOARD OF REVIEW MEETING

The minutes of the June 3, 2024, Board Meeting and June 3 BOR meeting were reviewed by the board upon e-mailed receipt.

**Supervisor DesJarlais moved to approve the June 3 Board of Review minutes and the minutes of the June 3, 2024, Board Meeting with an amendment to Page 4, to read, “Supervisor DesJarlais had received a noise complaint. He will meet with the constable and update provide him with copies of previous noise complaints.” Supervisor Anhalt seconded the motion to approve the June 3 minutes with the stated corrections, as well as the June 3 Board of Review minutes. All votes in favor. Motion carried.**

APPROVAL OF AGENDA AS PRINTED

**Supervisor Anhalt moved to approve the July 1, 2024, monthly meeting agenda with the correction of the agenda date from July 1, 2023 to July 1, 2024. Supervisor DesJarlais seconded the motion with said year correction. All votes in favor. Motion carried.**

CORRESPONDENCE

The clerk received a request from Frontier for a Utility Permit on the south end of the Town of Mishicot. The clerk was also asked if the board wanted any new Blue Books. Chairman Stefaniak said he had already received one.

## PUBLIC INPUT

Kirt Carviou was present to request approval to construct a 50' x 100' garage on his property at 1813 E. Highway BB. The board instructed Mr. Carviou to make the request of Planning and Parks for a zoning and setback permit.

Mr. Wotachek updated the board on the removal of a bush on the Saxonburg Cemetery. He asked about removal of the stump. He stated that he may need a backhoe to remove it but will try first with a tractor. He further commented that Ponderosa is trucking past his house with many, many loads of manure. He asked if the box culvert in that area had a weight limit. The board did not believe there was a limit on the concrete culvert.

Pat Shebesta reported that mulch has been placed around the sign at the Town Hall. Approximately four bags are still needed.

Public input was closed.

## JIM REIF FOR HOLLY OSBORNE REZONE REQUEST FROM EA TO NATURAL AREA - 1932 E. ZANDER ROAD

Jim Reif and his client Holly Osborne addressed the board regarding Ms. Osborne's request to re-zone 20 acres of the 80 acres she owns at 1932 E. Zander Road from Exclusive Ag to Natural Area. Supervisor Anhalt noted that this re-zoning to NA would allow a house to be built. Presently, Ms. Osborne is planning a bunkhouse for family recreational use, as well as a mechanical shop for tractors and equipment and woodworking shop for her son. There will be no retail taking place. There had been a hunting shack there and a small place to stay, but they were in bad condition and have been removed. Ms. Osborne stated that the new structure will take up approximately the same area as the previous buildings took up. A septic system and bathroom is allowed in a garage. The plumbing was inspected. Supervisor Anhalt asked if there will be a UDC permit pulled. Mr. Reif said it has been and that an application has already been filled out. Mr. Reif has asked Building Inspector Scott Beining to hold the application. Supervisor Anhalt does not have a problem with a zoning change if a UDC permit is pulled with Scott Beining in the event plans would change. Ms. Osborne said the property will not be rented out to the public. Mr. Reif said Mr. Beining was there and inspected and approved it. Mr. Reif had an email from Mr. Beining. A check has been mailed. Supervisor DesJarlais has no problem as long as the UDC permit is taken out and meets what is required. **Supervisor Anhalt moved to recommend the town send a letter to the county approving the change of zoning from EA to NA on Parcel No. 013-105-011-000.00 with the stipulation that a UDC permit is pulled as the project continues. Motion seconded by Supervisor DesJarlais. All votes in favor. Motion carried.**

The Town approves the zoning change to Natural Area as long as a UDC permit is pulled for the structure currently being built as it contains areas for short-term and possible long-term habitation. The zoning request change by the owner was per the advice of the County that this project would need to be built in a zoning classification that allows housing, which the previous zoning, Exclusive Ag, did not. A hearing is set at Planning and Parks for July 22 at 4:00 p.m.

## DWIGHT BRUBAKER - REQUEST FOR A 2<sup>ND</sup> DRIVEWAY - 35 SAMZ ROAD

Mr. Brubaker has purchased the property at 35 Samz Road. He is requesting permission for a second driveway, 50 feet from the east boundary. He is also asking how wide it must be. He will need to reroute the driveway for the house. He would like to add a second driveway for the public, which would be straight in from the road. His shop will be parallel to Samz Road. Chairman Stefaniak was concerned about outside lighting that could interfere with area residents' properties. Mr. Brubaker said the lights will be under the wrap-around porch facing Highway B and Samz. He would also like a light on the corner close to the driveway and is thinking about using a dusk-to-dawn light. He would not be using flood lights. Mr. Brubaker has additional plans to perhaps sell produce and perhaps garden decor. Supervisor Anhalt noted that the ditch slopes to the south and asked if a culvert is needed there. There is no ditch there to put a culvert in. Supervisor DesJarlais asked how many semis might there be. Mr. Brubaker expects perhaps one or two per month. The board said the driveway should be 60' wide. This is a 3-acre parcel. Supervisor DesJarlais said he had no problem with a second driveway as long as it is 60' wide. Mr. Chalupny noted that a driveway permit will still be needed. **Supervisor Anhalt moved to allow the new second driveway with a width of 60' for Dwight Brubaker at 35 Samz Road. Motion seconded by Supervisor DesJarlais. All votes in favor. Motion carried.**

## SAMZ ROAD BIL FUNDING PROJECT UPDATE

Supervisor Anhalt has spoken with Rich Glen and Randy Moss. Mr. Glen reports the design is going fine. They are currently working with utility replacements and DNR permits. Mr. Moss is handling the land acquisitions, appraisals, and sales studies. From there offers can be made to the land owners.

## DISCUSS RETURN OF EXCESS BCPL LOAN FUNDS RE: E. HILLCREST BRIDGE LOAN

The clerk has received sufficient notice from Kyle Trembl of the DOT that the DOT invoices for this project have been charged out. It is his thought that if there were any additional charges, they would be minimal. Based on this recent information, **Supervisor Anhalt moved to return excess funds from the E. Hillcrest Bridge Replacement Loan to the Board of Commissioners of Public Lands (BCPL) in the amount of \$78,215.82. Motion seconded by Supervisor DesJarlais. All votes in favor. Motion carried.**

The clerk notes that a prepayment schedule was received from the BCPL. Principal prepayment is in the amount of \$75,857.40, and interest on the prepayment is in the amount of \$2,358.42, for a total prepayment amount of \$78,215.82. The prepayment is calculated for August 1, 2024. After the prepayment, the balance of the E. Hillcrest Bridge Replacement Loan is \$61,764.46.

## TOWN ATTORNEY APPOINTMENT - PAUL DIRKSE OF HOPP NEUMANN & HUMKE

Supervisor Anhalt said a proposal to provide legal services to the town was received from Attorney Paul Dirkse of Hopp, Neumann & Humke. Standard hourly rate for all attorneys that provide legal services will be \$220 per hour. Services from legal assistants and paralegals range

from \$130 to \$160 per hour.

**Supervisor Anhalt moved to retain Attorney Paul Dirkse of Hopp Neumann & Humke, LLP, of Sheboygan as the town's new legal firm to represent the Town of Mishicot and to sign a contract with them. Motion seconded by Supervisor DesJarlais. All votes in favor. Motion carried.**

A letter of retainer was signed by Chairman Stefaniak and the clerk. The signed letter will be returned to Attorney Dirkse.

#### LETTER TO COUNTY RE: ARPA FUND PROJECT OBLIGATIONS

The clerk notified the board that a letter has been sent to Manitowoc County on behalf of the Town of Mishicot stating that after the Barthels Road culvert project is complete, there will be no further projects that qualify for the county's matching ARPA funds.

#### OLD DITCH MOWER DISPOSAL

The town board will be accepting bids for the old ditch mower. Mr. Chalupny will put the mower out in front of the hall. Bids are due by 5:00 p.m., August 5, to 710 N. State Street, Mishicot. All bids received will be opened at the town's regular monthly town board meeting at 7:00 p.m. August 5.

#### REVIEW AND POSSIBLE ADOPTION OF RESOLUTION TO AMEND 2024 BUDGET

The clerk asked that this matter be tabled until the August 5 meeting since the motion to prepay the BCPL loan will require an additional adjustment to the 2024 Budget.

#### MISHICOT FIRE DEPARTMENT CONTRACT

Supervisor DesJarlais moved to enter into the 2024-2025 Mishicot Fire Department contract in the amount of \$110,228.14, (which is 1 mill of the true value of the property protected by the fire department). Motion seconded by Supervisor Anhalt. All votes in favor. Motion carried.

#### MAINTENANCE ISSUES

Mr. Chalupny discussed the current placement of No Parking signs on Tisch Mills Road by the church and Crazy 8. They are faded and in need of replacement and asked if the board was interested in keeping the signs there. Supervisor DesJarlais will ask the people living in that area if they would like the signs to remain. The board will review this matter at the August 5 meeting.

Mr. Chalupny also said there had been a request from a Sunrise Lane citizen to remove a "Children at Play" sign. The board decided to let the sign remain.

REPORTS TO THE BOARD: JEFF, CONNIE, TAMMY, DEAN, ROBERT AND LEE

Mr. Chalupny reported that he has completed the first round of grass cutting and that he may go over a few spots. He also said that the Barthels Road culvert work has not yet begun. He also stated that he has one-half pallet of crackfill material left.

The clerk mentioned the Frontier Utility Permit request. Supervisor Anhalt wishes to speak to the applicant before a permit is issued. The clerk further reported she has issued 27 absentee ballots thus far for the August 13 primary. She also noted the SL-305 Maintenance of Effort report due to the Department of Revenue by July 1 has been filed.

Ms. Thielbar asked if a flag could be flown at the town hall since it is a government building. There is a pole there. It was explained that the flag is to have a light shown on it when it is dark. There is also the matter of ensuring the flag height is properly managed according to official orders as they are issued. This matter will be on the August agenda and discussed further at that time.

Supervisor Anhalt has a meeting set up on July 9 with someone interested in grave sites at St. John's Cemetery on Saxonburg Road.

APPROVE FINANCIAL REPORT

**Supervisor Anhalt moved to approve the financial report. Motion seconded by Supervisor DesJarlais. All votes in favor. Motion carried.**

MOTION TO PAY THE BILLS

**Supervisor DesJarlais moved to pay claims as presented by the clerk. Motion seconded by Supervisor Anhalt. All votes in favor. Motion carried.** Claims were approved as presented and checks were signed.

ITEMS FOR NEXT BOARD MEETING

Opening of bids for the old ditch mower; BIL Funding Project update; No Parking signs on Tisch Mills Road; review and possible resolution to amend the 2024 town budget; flag placement at the town hall

ADJOURN

Supervisor Anhalt moved to adjourn the meeting at 8:37 p.m. Motion was seconded by Supervisor DesJarlais. All votes were in favor. Motion carried.

The next regular meeting of the Town board will be on Monday, August 5, 2024, at 7:00 p.m.

These minutes were taken at the July 1, 2024, monthly Town board meeting and recorded here on July 15, 2024. These minutes will be board approved at the next town board meeting.

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Connie Tesarik – Clerk